

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

KEITH G. COLEMAN) CV400-54
) underlying CR497-181
 v.)
)
 UNITED STATES OF AMERICA)

**GOVERNMENT'S COMBINED RESPONSE TO COLEMAN'S
 MOTIONS TO AMEND AND FOR APPOINTMENT OF COUNSEL**

Comes now the United States of America, by and through Edmund A. Booth, Jr., United States Attorney for the Southern District of Georgia, and responds to Keith Coleman's motions 1) to amend his Rule 59(e) motion (doc. # 32); 2) to amend exhibits in support of ineffective assistance claims (doc. # 33); and 3) for appointment of counsel (doc. # 34).¹

With regard to Coleman's motion to amend his Rule 59(e) motion, the Court may find this moot due to the Rule 59 motion having already been granted by this Court's Order dated March 2, 2001. If Coleman is attempting to amend his § 2255 motion, any issues not arising from or relating back to his original § 2255 petition

¹Doc. # 32 was signed and dated by Coleman on April 22, 2001, filed in the Clerk's office on April 26, 2001, but not received in the U. S. Attorney's Office until May 14, 2001. Doc. # 33 was signed May 9, 2001, filed May 18, 2001, and received in the U. S. Attorney's Office May 21, 2001. Doc. # 34 was signed May 14, 2001, filed May 23, 2001, and received May 24, 2001.

should be deemed time-barred by the AEDPA.² See Davenport v. United States, 217 F.3d 1341, 1346 (11th Cir. 2000).

The government defers to the court with respect to Coleman's motion to amend exhibits in support of ineffective assistance of counsel claim (doc. # 33). The exhibits Coleman seeks to amend are matters of public record (an article from Savannah Morning News and an excerpt from a court document filed in his criminal case).

With regard to Coleman's motion for appointment of counsel, the government opposes this request. Unless an evidentiary hearing is required, petitioner has no constitutional right to counsel. See McClesky v. Zant, 499 U.S. 467, 495 (1991).

Respectfully submitted,

EDMUND A. BOOTH, JR.
UNITED STATES ATTORNEY



Carlton R. Bourne, Jr.
Assistant United States Attorney
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²Apparently for the first time, Coleman asserts that his 18 U.S.C. § 924(c) conviction rests upon an "improper predicate offense," that the government failed to prove that he knowingly carried a firearm in relation to a drug trafficking crime, and that the Court improperly instructed the jury with regard to this offense.

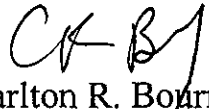
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing government's combined response to Keith Coleman's motions to amend Rule 59(e) motion, to amend exhibits in support of ineffective assistance of counsel claim, and for appointment of counsel has been mailed to:

Keith G. Coleman, Reg. No. 09587-021
United States Penitentiary
Post Office Box 26030
Beaumont, Texas 77720-6030

This 5th day of June, 2001.

EDMUND A. BOOTH, JR.
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